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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/477,704	06/07/95	HINDERKS	M RCH-22164-F-

34M2/1030

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EXAMINER

KAMEN, N

ART UNIT

PAPER NUMBER

3402

7

DATE MAILED: 10/30/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- Responsive to communication(s) filed on _____
- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- Claim(s) 40-58 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- Claim(s) _____ is/are allowed.
- Claim(s) _____ is/are rejected.
- Claim(s) _____ is/are objected to.
- Claims _____ are subject to restriction or election requirement.

Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The drawing(s) filed on _____ is/are objected to by the Examiner.
- The proposed drawing correction, filed on _____ is approved disapproved.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All Some* None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) _____
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- Notice of Reference Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- Interview Summary, PTO-413
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of _____

ON THE FOLLOWING PAGES -

Part III ACTION

1. The preliminary amendment has now been entered. Claims 21-39 are pending.
2. A full action on the merits of this case cannot be properly undertaken because of the nebulous nature and poor construction of the claims.
3. New claims 29-47 have been renumbered as 40-58 respectively under Rule 126.

Applicant is required to:

A) provide a courtesy copy of the claims with each element numbered and to exact figure to which it is directed.

From a cursory reading of the ten! (10) independent claims, it appears that a restriction and election are essential.

Additionally, a provisional **double patenting** rejection is possible with respect to copending application **08/441,117 and 08/477,703**. Applicant should closely review the claims in both cases.

B) amend the claims to provide a clear structurally unified assembly.

For example, in claim 40, the functional language must have clear structural support. What elements operate to "...permitting flow ...to and from..."? Many claims recite a closed end, but then set forth a projecting portion which pierces the closed end. Claims 49-57 are vaguely descriptive.

C) precisely identify the areas of the specification which provide antecedent support for the claim language.

The specification sets forth many different embodiments and many subcombinations. However, some of the subcombinations are not useable with each other; therefore, a claim might improperly depend on another. For example, a claim directed to figure 354 could not depend from a claim directed to figure 385.

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Art Unit: 3402

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3. With the above steps taken a complete and detailed action will be taken, including the identification of allowable subject matter. While this action is out of the ordinary, so is a disclosure with **252 written pages!** and **468 figures!**

4. Inquiries concerning the examiner's actions should be directed to Noah Kamen at (703) 308-1945. The supervisory examiner, Henry Yuen, can be called at 308-1946. The fax number is 305-3463. Questions of a general nature concerning the application should be directed to the group receptionist at 308-0861.

Noah Kamen
NOAH KAMEN
PRIMARY EXAMINER
ART UNIT 3402

NK
September 24, 1996